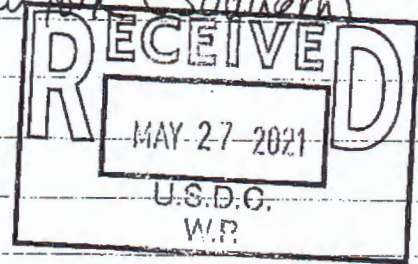


United States District Court
For the District of New York (Southern)

MEMO ENDORSED



UNITED STATES

v

MARCOS VAGAS

Case no: 19-cr-00559

EMERGENCY MOTION FOR COMPASSIONATE RELEASE and APPOINTMENT OF COUNSEL

Now comes, Marcos Vagas, pro se, (defendant), to request counsel to pursue eligibility for compassionate release.

As grounds therefor, Defendant asserts that:

1. He has exhausted his Administrative Remedies.
2. Extraordinary and Compelling reasons exist. Those reasons are (in part) as follows:
 - a. medical issues make defendant a high-risk of death due to covid-19.
 - b. Life threatening disease that makes clear that Extraordinary/and Compelling reasons exist. These diseases are:
 1. Stage 4 Kidney Failure
 2. Diabetes
 3. Hypertension.

Wherefore, Defendant prays that this Honorable Court
will appoint counsel and grant his Supplemental motion
For Compassionate Release.

Dated this 24th day of May, 2021.

Marcos Vargas

Respectfully Submitted

Application for compassionate release, pursuant to 18 U.S.C. Section 3582, is denied. Mr. Vargas asserts that he has exhausted his administrative remedies, but has provided no proof to substantiate this assertion. Indeed, the Government represents that there are no records of any request for administrative relief. As it is Mr. Vargas' burden to establish exhaustion, his failure to meet this burden defeats his request for early release and for appointment of counsel. However, this denial is without prejudice. Should Mr. Vargas prove he has exhausted his administrative remedies, he may file another application for compassionate release. If he does so, Mr. Vargas should be prepared to address why he should be given compassionate release, due to the COVID-19 pandemic, given that he has been fully vaccinated.

The Government is to mail a copy of this memo endorsement to Mr. Vargas and certify that this was done in a filing by 6/17/21.

So Ordered.



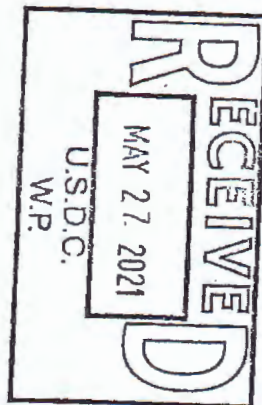
6/14/21

Marcos Vargas # 870 10054

4 M C Devens

Po Box 819

Ayer, Ma 01432



White Plains NY house
300 Quarras ST
White Plains NY 10601
CA
Coryle

ENDS
EMTSN

